HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A.No.1264 of 2006

Between

Warangal District Cooperative Central Bank Ltd., and another ..Appellants

AND

J.Narasaiah ..Respondent

:: JUDGMENT ::

Counsel for the appellants : Sri P.Nageswar Sree

Counsel for the respondent: Sri Nandigam Krishna Rao

8.12.2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 21.7.2006 passed by the learned Single Judge in W.P.No.9273 of 2005, whereby he directed non petitioners – appellants herein to pay the entire amount due and payable to the respondent herein during the period of suspension, after deducting the

subsistence allowance already paid.

Sri P.Nageswar Sree, learned counsel for the appellants fairly stated that in the absence of any statutory rule empowering his clients to continue proceedings of departmental enquiry, the view taken by the learned Single Judge on the issue of continued suspension of the respondent cannot be faulted. He however, argued that direction given by the learned Single Judge for payment of entire amount due to the respondent is liable to be set aside because the appellants have statutory right to recover the amount from the gratuity payable to the respondent. Learned counsel referred to the provisions of the Payment of Gratuity Act, 1972 in support of his argument.

We have considered the submission of the learned counsel, but have not felt persuaded to accept the same because this point is not shown to have been raised and argued before the learned Single Judge.

With the above observations, the appeal is dismissed. However, liberty is given to the appellant to file appropriate application for review of the order under challenge.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.2657 of 2006 is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

8.12.06.
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